

# EXHIBIT 11

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

\*\*\*\*\*  
JOSEPH MANTHA, on behalf of himself  
and all others similarly situated,

Plaintiff

vs. CA NO. 1:19-cv-12235-LTS

QUOTEWIZARD.COM, LLC,  
Defendant

\*\*\*\*\*

VIDEOTAPED DEPOSITION OF:  
STEVEN NOVIA  
(Taken Remotely)  
160 Speen Street  
Framingham, Massachusetts  
September 1, 2020 10:07 a.m.

Darlene M. Coppola

Registered Merit Reporter

Certified Realtime Reporter

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 Representing the Plaintiff and the witness:</p> <p>3 (Via Zoom)</p> <p>4 THE LAW OFFICE OF EDWARD A. BRODERICK</p> <p>5 208 Ridge Street</p> <p>6 Winchester, MA 01890</p> <p>7 BY: EDWARD A. BRODERICK, ESQUIRE</p> <p>8 T 617.738.7080</p> <p>9 E ted@broderick-law.com</p> <p>10 -and-</p> <p>11 CW LAW GROUP, P.C.</p> <p>12 188 Oaks Road</p> <p>13 Framingham, MA 01702</p> <p>14 BY: ALEX M. WASHKOWITZ, ESQUIRE</p> <p>15 T 508.309.4880</p> <p>16 E alex@cwlawgrouppe.com</p> <p>17</p> <p>18</p> <p>19 (Continued on next page)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2 EXAMINATION</p> <p>3 Witness Name Page</p> <p>4 STEVEN NOVIA</p> <p>5 Direct By Mr. Polansky ..... 7</p> <p>6</p> <p>7 EXHIBITS</p> <p>8 Exhibit Description Page</p> <p>9 Exhibit 1 Subpoena 10</p> <p>10 Exhibit 2 Proof of Service 10</p> <p>11 Exhibit 3 Text Message 11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (Continued):</p> <p>2 Representing the Defendant:</p> <p>3 (Via Zoom)</p> <p>4 NELSON MULLINS RILEY &amp; SCARBOROUGH LLP</p> <p>5 One Post Office Square, 30th Floor</p> <p>6 Boston, MA 02109</p> <p>7 BY: KEVIN P. POLANSKY, ESQUIRE</p> <p>8 T 617.217.4700</p> <p>9 E kevin.polansky@nelsonmullins.com</p> <p>10</p> <p>11 Also present:</p> <p>12 Adam Venturini, Videographer</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 5</p> <p>1 (Deposition commencing at 10:07 a.m.)</p> <p>2</p> <p>3 THE VIDEOGRAPHER: Good morning.</p> <p>4 We are going on the record at 10:07 a.m.</p> <p>5 on September 1, 2020.</p> <p>6 Please note that the microphones are</p> <p>7 sensitive and may pick up whispering, private</p> <p>8 conversations and possible cellular</p> <p>9 interference. Please turn off all cell phones</p> <p>10 or place them away from microphones, as they</p> <p>11 can interfere with the deposition audio.</p> <p>12 Audio and video recording will</p> <p>13 continue to take place unless all parties</p> <p>14 agree to go off the record.</p> <p>15 This is Media Unit No. 1 of the</p> <p>16 video-recorded deposition of Steven Novia</p> <p>17 taken by counsel for the defendant in the</p> <p>18 matter of Joseph Mantha versus</p> <p>19 QuoteWizard.com, LLC, filed in the US District</p> <p>20 Court for the District of Massachusetts.</p> <p>21 My name is Adam Venturini from the</p> <p>22 firm Veritext, and I'm the videographer. The</p> <p>23 court reporter is Darlene Coppola from the</p> <p>24 firm Veritext.</p>

<p style="text-align: right;">Page 6</p> <p>1 I'm not authorized to administer an</p> <p>2 oath. I'm not related to any party in this</p> <p>3 action, nor am I financially interested in the</p> <p>4 outcome.</p> <p>5 Counsel and all present remotely will</p> <p>6 now state their appearances and affiliations</p> <p>7 for the record. If there are any objections</p> <p>8 to proceeding, please state them at the time</p> <p>9 of your appearance, beginning with the</p> <p>10 noticing attorney.</p> <p>11 MR. POLANSKY: Good morning.</p> <p>12 Kevin Polansky on behalf of the defendant</p> <p>13 QuoteWizard.</p> <p>14 MR. BRODERICK: Good morning.</p> <p>15 Edward Broderick for the plaintiff, Joe</p> <p>16 Mantha.</p> <p>17 MR. WASHKOWITZ: Good morning.</p> <p>18 Alex Washkowitz on behalf of plaintiff Joe</p> <p>19 Mantha and on behalf of Steven Novia.</p> <p>20 THE VIDEOGRAPHER: Will the</p> <p>21 court reporter please swear in the witness.</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. WASHKOWITZ: Yes.</p> <p>2 BY MR. POLANSKY:</p> <p>3 Q. Mr. Novia, have you ever provided</p> <p>4 deposition testimony before?</p> <p>5 A. No. This is the first one.</p> <p>6 Q. Okay. So there's a couple of ground</p> <p>7 rules that your counsel may have informed you</p> <p>8 of, but I'll just go over them quickly.</p> <p>9 A. Yes, sir.</p> <p>10 Q. First, as you know, this is being</p> <p>11 taped both by video and being recorded by a</p> <p>12 stenographer. So it's very important that we</p> <p>13 use verbal responses to respond to questions.</p> <p>14 Okay?</p> <p>15 A. Yes, sir.</p> <p>16 Q. If you don't understand a question</p> <p>17 that I have, please let me know and I'll</p> <p>18 rephrase it. Okay?</p> <p>19 A. Yes, sir.</p> <p>20 Q. If you need a break at any time, just</p> <p>21 let me know. I would just ask that you answer</p> <p>22 any question posed before you take a break.</p> <p>23 Okay?</p> <p>24 A. Yes, sir.</p>
<p style="text-align: right;">Page 7</p> <p>1 STEVEN NOVIA,</p> <p>2 a witness called for examination by</p> <p>3 counsel for the Defendant, having been</p> <p>4 satisfactorily identified by the production of</p> <p>5 his driver's license and being first duly</p> <p>6 sworn by the Notary Public, was examined and</p> <p>7 testified as follows:</p> <p>8</p> <p>9 THE VIDEOGRAPHER: You may</p> <p>10 proceed.</p> <p>11 MR. POLANSKY: Thank you.</p> <p>12</p> <p>13 DIRECT EXAMINATION</p> <p>14 BY MR. POLANSKY:</p> <p>15 Q. Good morning, Mr. Novia. Will you</p> <p>16 please state your name for the record.</p> <p>17 A. How are you? Steve Novia.</p> <p>18 MR. POLANSKY: Alex and Ted,</p> <p>19 usual stipulations?</p> <p>20 MR. WASHKOWITZ: Yes.</p> <p>21 MR. BRODERICK: Yes.</p> <p>22 MR. POLANSKY: Thirty days to</p> <p>23 read and sign, waive notary?</p> <p>24 MR. BRODERICK: Yes.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. And if you're having any technical</p> <p>2 difficulties, either hearing me or with your</p> <p>3 own screen, just let us know and we'll take a</p> <p>4 break. Okay?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Could you please state your full name</p> <p>7 for the record.</p> <p>8 A. Steve Novia, Jr.</p> <p>9 Q. And did you view any documents in</p> <p>10 preparation for today's deposition?</p> <p>11 A. No, sir.</p> <p>12 Q. Did you speak to anyone other than</p> <p>13 your counsel in preparation for today's</p> <p>14 deposition?</p> <p>15 A. No, sir.</p> <p>16 Q. Did you speak with Joe Mantha prior to</p> <p>17 today's deposition?</p> <p>18 A. No, sir.</p> <p>19 Q. Did you bring any documents with you</p> <p>20 today?</p> <p>21 A. No, sir.</p> <p>22 Q. Now, you received a subpoena requiring</p> <p>23 your attendance to give testimony in this</p> <p>24 case; is that correct?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. I'm sorry?</p> <p>2 Q. Sure. You received a subpoena</p> <p>3 requiring you to give attendance in this case;</p> <p>4 is that correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. I'm referring to Exhibit 1, which is</p> <p>7 the subpoena. Can you take a look at that.</p> <p>8</p> <p>9 (Exhibit No. 1 marked for</p> <p>10 identification.)</p> <p>11</p> <p>12 (Exhibit No. 2 marked for</p> <p>13 identification.)</p> <p>14</p> <p>15 BY MR. POLANSKY:</p> <p>16 Q. Let me know when you have it in front</p> <p>17 of you.</p> <p>18 A. I have it in front of me, sir.</p> <p>19 Q. Specifically, I'm referencing page 6</p> <p>20 of 6 where it says "Document Requests."</p> <p>21 A. Last -- yes, sir.</p> <p>22 Q. And do you see where it says "Request</p> <p>23 No. 1"?</p> <p>24 A. Yes, sir.</p>	<p style="text-align: right;">Page 12</p> <p>1 possession with Mr. Mantha regarding this</p> <p>2 lawsuit?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Did you search your text messages with</p> <p>5 Mr. Mantha to ensure there are no other text</p> <p>6 messages available?</p> <p>7 A. No, sir.</p> <p>8 Q. So you didn't go back and review your</p> <p>9 text messages with Mr. Mantha from any time,</p> <p>10 let's say from August to the present?</p> <p>11 A. No, sir.</p> <p>12 Q. And why is that?</p> <p>13 A. I don't understand the question.</p> <p>14 Interview?</p> <p>15 Q. I'm sorry. You said --</p> <p>16 A. I don't understand the question.</p> <p>17 Review? Interview? What did you say?</p> <p>18 Q. Review. So --</p> <p>19 A. I'm --</p> <p>20 Q. Sure. My question is, did you review</p> <p>21 any text message exchanges that you've had</p> <p>22 with Mr. Mantha from August 2019 to the</p> <p>23 present?</p> <p>24 A. Yeah, this was the only one.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. And it asks for "any and all</p> <p>2 correspondence between you and Joe Mantha</p> <p>3 and/or any other person or entity regarding</p> <p>4 this lawsuit including, but not limited to,</p> <p>5 copies of text message exchanges."</p> <p>6 Do you see that?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Now, you have provided us with one</p> <p>9 text message exchange; is that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And I'm referring to Exhibit 3.</p> <p>12</p> <p>13 (Exhibit No. 3 marked for</p> <p>14 identification.)</p> <p>15</p> <p>16 BY MR. POLANSKY:</p> <p>17 Q. Do you see the text exchange in front</p> <p>18 of you?</p> <p>19 MR. WASHKOWITZ: I can pull it</p> <p>20 up.</p> <p>21 A. Yes, sir.</p> <p>22 BY MR. POLANSKY:</p> <p>23 Q. And is that the only text message</p> <p>24 exchange that you currently have in your</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. That was my question.</p> <p>2 A. Oh, I'm sorry. I -- apologies.</p> <p>3 Q. No, that's okay.</p> <p>4 So there's no other text messages</p> <p>5 between you and Mr. Mantha from that time</p> <p>6 frame regarding this litigation?</p> <p>7 A. No, I do not have any.</p> <p>8 Q. Do your text messages with Mr. Mantha</p> <p>9 go back to August of 2019?</p> <p>10 A. I'm sorry?</p> <p>11 Q. Do your text messages with Mr. Mantha</p> <p>12 go back to August of 2019?</p> <p>13 A. No, I don't have any -- I don't have</p> <p>14 any text messages that go back that far.</p> <p>15 Q. How far do your text messages go back</p> <p>16 with Mr. Mantha?</p> <p>17 MR. BRODERICK: Object.</p> <p>18 A. July 26.</p> <p>19 BY MR. POLANSKY:</p> <p>20 Q. July 26 of what year?</p> <p>21 A. Of 2019.</p> <p>22 Q. I think you may be confused. So --</p> <p>23 A. I think I am. I'm sorry.</p> <p>24 Q. That's all right. That's all right.</p>

<p style="text-align: right;">Page 14</p> <p>1 So I'm not trying to overcomplicate</p> <p>2 things.</p> <p>3 I'm asking, how far do your text</p> <p>4 messages go back with Mr. Mantha?</p> <p>5 MR. BRODERICK: Objection.</p> <p>6 A. The only text message that I have is</p> <p>7 the one that is provided. Anything else is</p> <p>8 usually deleted after it's -- as I send texts.</p> <p>9 I don't keep texts.</p> <p>10 Is that what -- is that what you're</p> <p>11 asking?</p> <p>12 BY MR. POLANSKY:</p> <p>13 Q. Yes. Well, let me ask you this way,</p> <p>14 do you have an iPhone?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Do you have iMessage?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And do you keep your messages that you</p> <p>19 have with other individuals?</p> <p>20 A. Sometimes.</p> <p>21 Q. So are you stating that you don't have</p> <p>22 any sort of messages or text messages with</p> <p>23 Mr. Mantha that go back to August of 2019?</p> <p>24 I'm asking about in general, not just</p>	<p style="text-align: right;">Page 16</p> <p>1 provided have been either deleted, destroyed,</p> <p>2 whatever?</p> <p>3 A. Yes, yes.</p> <p>4 Q. Okay. That's all I'm asking.</p> <p>5 So it's fair to say that you don't</p> <p>6 have any text messages from July of 2019; is</p> <p>7 that right?</p> <p>8 A. No, not with him. The only thing I</p> <p>9 have is that one. I still have it in my</p> <p>10 phone.</p> <p>11 Q. That's the only text message that you</p> <p>12 currently have with Mr. Mantha?</p> <p>13 A. Yes, sir, that's correct.</p> <p>14 Q. Do you ever e-mail with Joe --</p> <p>15 Mr. Mantha?</p> <p>16 A. No. If I did, it was a long, long</p> <p>17 time ago. We're talking years.</p> <p>18 Q. So your modes of communication are</p> <p>19 text message and phone call?</p> <p>20 A. That's correct, sir.</p> <p>21 MR. BRODERICK: Objection.</p> <p>22 BY MR. POLANSKY:</p> <p>23 Q. Or I guess in person if you see him?</p> <p>24 A. Yes, sir.</p>
<p style="text-align: right;">Page 15</p> <p>1 specifically related to this case. I'm just</p> <p>2 trying to figure out the scope of the messages</p> <p>3 you currently have available in your phone.</p> <p>4 A. Yeah, I -- I don't have any text</p> <p>5 messages other than that one with Mr. Mantha.</p> <p>6 Q. But I don't know if you're</p> <p>7 understanding my question.</p> <p>8 So do you have any text messages with</p> <p>9 Mr. Mantha that go back to August of 2019?</p> <p>10 A. No.</p> <p>11 Q. Okay. So any text messages that you</p> <p>12 had with Mr. Mantha from August 2019 forward,</p> <p>13 other than the one you provided in Exhibit 3,</p> <p>14 have been deleted?</p> <p>15 MR. BRODERICK: Objection.</p> <p>16 BY MR. POLANSKY:</p> <p>17 Q. You can answer.</p> <p>18 Sorry. There's going to be objections</p> <p>19 throughout. You can answer unless you're</p> <p>20 instructed by your counsel not to.</p> <p>21 A. Okay. I'm -- no, I don't have any</p> <p>22 other text messages from that time.</p> <p>23 Q. So any text messages with Mr. Mantha</p> <p>24 dating back to August 2019 other than what you</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Are you currently employed?</p> <p>2 A. I am, sir.</p> <p>3 Q. Where are you employed?</p> <p>4 A. Oh, I'm a sworn-in law enforcement</p> <p>5 officer.</p> <p>6 Q. And who do you work for?</p> <p>7 A. DHS, Department of Homeland Security.</p> <p>8 Q. How long have you worked for DHS?</p> <p>9 A. Ten years.</p> <p>10 Q. And in your role -- strike that.</p> <p>11 What's your job title at DHS?</p> <p>12 MR. BRODERICK: Kevin, can we</p> <p>13 take a quick break, or can I give you a call</p> <p>14 on your cell phone?</p> <p>15 MR. POLANSKY: Sure.</p> <p>16 MR. BRODERICK: I'm sorry I</p> <p>17 didn't flag this in advance.</p> <p>18 MR. POLANSKY: Yes. Yes, okay,</p> <p>19 we'll go off the record.</p> <p>20 THE VIDEOGRAPHER: We are off</p> <p>21 the record at 10:18 a.m.</p> <p>22</p> <p>23 (Recess taken from 10:18 a.m.</p> <p>24 to 10:21 a.m.)</p>



<p style="text-align: right;">Page 18</p> <p>1</p> <p>2 THE VIDEOGRAPHER: Back on the</p> <p>3 record, 10:21 a.m.</p> <p>4 By MR. POLANSKY:</p> <p>5 Q. Before we had taken a break, I had</p> <p>6 asked what your job title was at the DHS. I'm</p> <p>7 going to withdraw the question.</p> <p>8 A. Yes, sir.</p> <p>9 Q. In your role with DHS, do you have</p> <p>10 access to the Internet?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And how often -- how often do you use</p> <p>13 the Internet?</p> <p>14 A. I don't even know how to answer that.</p> <p>15 I mean, how often do you use your phone? You</p> <p>16 know what I mean?</p> <p>17 Yeah, we -- we have our own phones for</p> <p>18 work, so I have access to the Internet all the</p> <p>19 time.</p> <p>20 Q. In your role, do you have the ability</p> <p>21 to use IP addresses for other people?</p> <p>22 A. Do I -- do I have the ability?</p> <p>23 I'm --</p> <p>24 Q. Yes, yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. And is that the phone number that you</p> <p>2 use to communicate with Mr. Mantha on?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Any other phone numbers that you would</p> <p>5 communicate with Mr. Mantha on?</p> <p>6 A. No, sir.</p> <p>7 Q. How long have you known Mr. Mantha?</p> <p>8 A. Kindergarten.</p> <p>9 Q. So you've been lifelong friends?</p> <p>10 A. No. Friends since high school and</p> <p>11 into college, but -- yeah, we've played soccer</p> <p>12 together basically throughout all our lives.</p> <p>13 Q. Have you stayed in touch with him</p> <p>14 since college?</p> <p>15 A. Yes, sir.</p> <p>16 Q. How often do you speak to Mr. Mantha</p> <p>17 on a weekly basis?</p> <p>18 A. Not on a weekly basis.</p> <p>19 Q. Monthly basis?</p> <p>20 A. Not even a monthly basis any more. We</p> <p>21 kind of went our separate ways.</p> <p>22 Q. What about back in 2019?</p> <p>23 A. Visited once; once or twice.</p> <p>24 Q. Do you recall the dates of those</p>
<p style="text-align: right;">Page 19</p> <p>1 A. I have no idea.</p> <p>2 Q. Okay.</p> <p>3 A. I'm not tech savvy, so I don't know.</p> <p>4 Q. I'm not either, that's why my</p> <p>5 questions aren't that good.</p> <p>6 What I'm trying to figure out, though,</p> <p>7 is, in your role at DHS, do you have the</p> <p>8 ability to, you know, go in and use other</p> <p>9 people's information and enter it and access</p> <p>10 other people's sites?</p> <p>11 A. No, I don't -- I don't believe I do.</p> <p>12 And if I do -- if I did have access, I</p> <p>13 wouldn't even know how to begin to do it.</p> <p>14 Q. Where do you reside?</p> <p>15 A. 247 Washington Avenue, Apartment 15,</p> <p>16 Winthrop, Massachusetts, 02152.</p> <p>17 Q. How long have you lived there?</p> <p>18 A. Since December 30, 2019.</p> <p>19 Q. Any intention of moving any time</p> <p>20 soon?</p> <p>21 A. No, sir.</p> <p>22 Q. And is your phone number -- does it</p> <p>23 end with 9105?</p> <p>24 A. Yes, sir.</p>	<p style="text-align: right;">Page 21</p> <p>1 visits?</p> <p>2 A. I do not. I do know one was during</p> <p>3 the summertime when his wife was still</p> <p>4 pregnant, before she had the baby last year.</p> <p>5 But, yeah, I don't -- I don't recall the date,</p> <p>6 sir.</p> <p>7 Q. When you say "during the summertime,"</p> <p>8 do you recall whether it was June? July?</p> <p>9 A. I do not. I do not. I just know it</p> <p>10 was hot enough that we were in the pool with</p> <p>11 the kids, so...</p> <p>12 Q. And that was at his house?</p> <p>13 A. That was at his house.</p> <p>14 Q. Have you ever heard of the website</p> <p>15 SnappyAutoInsurance.com?</p> <p>16 A. No, sir.</p> <p>17 Q. Have you ever discussed that website</p> <p>18 with Mr. Mantha?</p> <p>19 A. No, sir.</p> <p>20 Q. So is it fair to say that if you've</p> <p>21 never heard of SnappyAutoInsurance.com, you've</p> <p>22 never visited the website?</p> <p>23 A. If I did, I wouldn't know it. But no,</p> <p>24 it doesn't -- I don't recall it, no.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. Now, I understand from Mr. Mantha that</p> <p>2 you've had some experience with the TCPA; is</p> <p>3 that correct?</p> <p>4 A. Oh, yes, sir.</p> <p>5 Q. And what's generally been your</p> <p>6 experience with the TCPA?</p> <p>7 And I want to put out there that I</p> <p>8 don't want any -- to know about any</p> <p>9 communications you've had with your counsel.</p> <p>10 A. Understood, sir.</p> <p>11 Q. And generally, what's been your</p> <p>12 experience with the TCPA?</p> <p>13 A. One -- what do you call it? I guess I</p> <p>14 don't understand the question.</p> <p>15 Have I had -- like, have I sued</p> <p>16 anybody, or have I just -- like, what do I</p> <p>17 know as far as information-wise?</p> <p>18 Q. Sure. Well, let's -- those are good</p> <p>19 questions. Let's back up a little bit.</p> <p>20 Do you know what the TCPA is?</p> <p>21 A. Yeah, it's like a telephone act saying</p> <p>22 solicitors can't call you through automated</p> <p>23 systems; something like that.</p> <p>24 Q. Have you ever -- have you ever sued</p>	<p style="text-align: right;">Page 24</p> <p>1 demand was sent on your behalf; is that</p> <p>2 correct?</p> <p>3 A. If that's what you call it, I believe</p> <p>4 so, sir, yes.</p> <p>5 Q. So you don't recall ever being named</p> <p>6 as the plaintiff in a lawsuit?</p> <p>7 A. Oh, no.</p> <p>8 Q. Correct?</p> <p>9 A. No.</p> <p>10 Q. And do you know who the presuit demand</p> <p>11 was sent to?</p> <p>12 A. I don't recall.</p> <p>13 Q. Do you recall the company that you</p> <p>14 allege violated the TCPA?</p> <p>15 A. I probably should, but I don't recall</p> <p>16 offhand.</p> <p>17 Q. Did you resolve the claim with that</p> <p>18 company that you sent the presuit demand to?</p> <p>19 A. Yes, sir.</p> <p>20 Q. In your experience, have you -- how</p> <p>21 many times have you sent a presuit demand?</p> <p>22 A. For that instance? I -- that's the</p> <p>23 only one that I've ever done.</p> <p>24 Q. Not that instance. So I'm saying</p>
<p style="text-align: right;">Page 23</p> <p>1 anybody alleging a violation of the TCPA?</p> <p>2 A. Yes.</p> <p>3 Q. And when did you do that?</p> <p>4 A. I would have to look back, but I</p> <p>5 believe it was sometime last -- last year. I</p> <p>6 don't know, yeah, the exact date of it.</p> <p>7 Q. And do you recall whether you filed in</p> <p>8 a state court or federal court?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you recall what state you filed the</p> <p>11 lawsuit in?</p> <p>12 A. Massachusetts.</p> <p>13 Q. Do you recall the company you sued?</p> <p>14 MR. WASHKOWITZ: Kevin, I think</p> <p>15 he's misunderstanding your question. There</p> <p>16 was no lawsuit. It was a presuit demand.</p> <p>17 MR. POLANSKY: Okay. I was</p> <p>18 going to follow up on that.</p> <p>19 THE WITNESS: Apologies.</p> <p>20 MR. POLANSKY: No, that's all</p> <p>21 right. That's all right.</p> <p>22 BY MR. POLANSKY:</p> <p>23 Q. So I understand from your attorney</p> <p>24 that you sent a presuit demand or a presuit</p>	<p style="text-align: right;">Page 25</p> <p>1 whether you sent presuit demands to a number</p> <p>2 of companies, so --</p> <p>3 A. Oh, no. No, sir, no.</p> <p>4 Q. Are the terms of that resolution</p> <p>5 confidential?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Did you -- did you tell Mr. Mantha</p> <p>8 about this experience that you had sending a</p> <p>9 presuit demand to a company that allegedly</p> <p>10 violated the TCPA?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And what did you tell him?</p> <p>13 A. Generally, that I was -- I had this</p> <p>14 thing going, and he asked me if it was</p> <p>15 illegal.</p> <p>16 I was like, Yeah, and hopefully it</p> <p>17 works out in my favor.</p> <p>18 And, yeah, he asked a couple more</p> <p>19 questions about what exactly you have to do.</p> <p>20 And I was just, like, you've got to know who's</p> <p>21 actually sending you this stuff. And if you</p> <p>22 find -- if you find that answer, then you may</p> <p>23 have a case.</p> <p>24 Q. When you said you hoped it works out</p>



<p style="text-align: right;">Page 26</p> <p>1 in your favor, what did you mean by that?</p> <p>2 A. If you find out the information as to</p> <p>3 who's actually trying to solicit you, if that</p> <p>4 makes any sense.</p> <p>5 Q. Now when you told him it works out in</p> <p>6 your favor -- you said you had these ongoing</p> <p>7 issues with this company and it works out in</p> <p>8 your favor; isn't that what you said?</p> <p>9 A. Ongoing issues? No, I don't believe I</p> <p>10 said that.</p> <p>11 Q. Okay. So I guess to clarify what you</p> <p>12 just testified to, when I asked you if it</p> <p>13 works out in your favor, you said if you can</p> <p>14 find out the company that sent it to you.</p> <p>15 What -- what --</p> <p>16 A. Right.</p> <p>17 Q. I guess I'm confused by --</p> <p>18 A. Find out who actually is sending you</p> <p>19 that information, because this is -- what do</p> <p>20 you call it? Robo call.</p> <p>21 Q. And so what -- what was your hope to</p> <p>22 get out of the presuit demand?</p> <p>23 A. Oh, I had no expectation. I was</p> <p>24 just -- I heard it's illegal. So it was brand</p>	<p style="text-align: right;">Page 28</p> <p>1 conversation?</p> <p>2 A. No. No, he was just curious.</p> <p>3 Q. Do you know who brought up the issue</p> <p>4 of the TCPA?</p> <p>5 A. Yeah, it was me who told him about --</p> <p>6 he had asked me what was going on. I told him</p> <p>7 my golf game was going to hell, and I was</p> <p>8 doing this -- this TCPA thing.</p> <p>9 It was in the beginning process of it.</p> <p>10 So I was a little -- I really didn't</p> <p>11 understand it myself. So it was very little</p> <p>12 that I could really explain to him since I was</p> <p>13 so new to it.</p> <p>14 Q. So when you said you were beginning</p> <p>15 this TCPA process, what was the process that</p> <p>16 you were hoping to complete?</p> <p>17 A. I wasn't hoping to complete any</p> <p>18 process at that time. It was just so brand</p> <p>19 new. I was just kind of going through the</p> <p>20 motions at that time.</p> <p>21 Q. So what were the motions?</p> <p>22 I mean, why would you send a presuit</p> <p>23 demand if you didn't know what you were going</p> <p>24 to get out of it?</p>
<p style="text-align: right;">Page 27</p> <p>1 new to me. So...</p> <p>2 Q. Were you trying to get a monetary</p> <p>3 settlement?</p> <p>4 A. That's what I was told that you could</p> <p>5 get, yeah, when I had asked some questions,</p> <p>6 so...</p> <p>7 Q. Was Mr. Mantha interested in getting a</p> <p>8 monetary demand -- a monetary settlement when</p> <p>9 you spoke to him?</p> <p>10 A. No. This was -- this was before</p> <p>11 this -- this stuff happened to him. He -- he</p> <p>12 was asking me -- he couldn't believe it was</p> <p>13 illegal, and I was like, Yeah, apparently it</p> <p>14 is because this is all -- this was all new to</p> <p>15 me too.</p> <p>16 Q. When you said you had this</p> <p>17 conversation this summer of 2019 when you were</p> <p>18 at his house in the pool, was that -- would it</p> <p>19 be fair to say that that would have been</p> <p>20 before August of 2019?</p> <p>21 A. Yeah, I -- yeah, that makes sense.</p> <p>22 Q. Did he -- did he provide you with any</p> <p>23 information about whether he had been</p> <p>24 receiving robo calls in the past during this</p>	<p style="text-align: right;">Page 29</p> <p>1 A. I guess I don't really -- basically</p> <p>2 just waiting to hear back to see -- I had no</p> <p>3 expectations as far as not getting my hopes up</p> <p>4 if I was getting monetary value. If I get</p> <p>5 something, I get something. If I don't, I</p> <p>6 don't, I guess.</p> <p>7 Does that answer your question?</p> <p>8 Q. So was the hope you that you were</p> <p>9 hoping to get something out of it, some</p> <p>10 monetary compensation out of it?</p> <p>11 A. Yeah. Well, yeah, sure.</p> <p>12 Q. And did you -- did you tell Mr. Mantha</p> <p>13 that you were hoping to get some monetary</p> <p>14 settlement out of it?</p> <p>15 A. Yeah.</p> <p>16 Q. Was he interested in that?</p> <p>17 A. I wouldn't say interested. He was</p> <p>18 just curious.</p> <p>19 Q. Did he ask you the steps that you took</p> <p>20 in setting this up, the presuit demand?</p> <p>21 A. No. I think I just divulged some</p> <p>22 information about, you've just got to find out</p> <p>23 who -- who's actually trying to solicit you,</p> <p>24 who's trying to reach out to you. So if you</p>

<p style="text-align: right;">Page 30</p> <p>1 find out who that is, then you most likely</p> <p>2 have got something. So...</p> <p>3 Q. And at that time, he didn't mention</p> <p>4 anything about whether he had been receiving</p> <p>5 robo calls or text messages from any</p> <p>6 companies?</p> <p>7 A. No, sir.</p> <p>8 Q. How long was the conversation</p> <p>9 regarding the TCPA, if you recall?</p> <p>10 A. It was -- it was kind of all meshed</p> <p>11 together, as far as what I -- what I was --</p> <p>12 what I had been doing. He had asked me what I</p> <p>13 had been up to, and that was like -- probably</p> <p>14 like one of several things that we discussed,</p> <p>15 so I really can't put a time on it.</p> <p>16 Q. The robo calls that you received, were</p> <p>17 they text messages or phone calls?</p> <p>18 A. They were phone calls.</p> <p>19 Q. And what were the phone calls about?</p> <p>20 Were they insurance? Some other -- mortgages?</p> <p>21 A. It was about a college loan.</p> <p>22 Q. Now at that time, did you inform</p> <p>23 Mr. Mantha that you had counsel who prepared</p> <p>24 the demand for you?</p>	<p style="text-align: right;">Page 32</p> <p>1 after we had had that, you know, where we hung</p> <p>2 out with the kids, but I couldn't tell you a</p> <p>3 date.</p> <p>4 Q. So after the conversation at his</p> <p>5 house, you don't recall whether you had</p> <p>6 provided your counsel's information at that</p> <p>7 time to Mr. Mantha?</p> <p>8 A. No, I didn't -- I didn't provide any</p> <p>9 counsel information to him at that time; no,</p> <p>10 sir.</p> <p>11 Q. Between the time at his house and the</p> <p>12 time when he received the text message in</p> <p>13 August, did you have any conversations with</p> <p>14 him, either by phone or text message,</p> <p>15 regarding the TCPA?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And how often did you speak to him</p> <p>18 about the TCPA between that time period?</p> <p>19 A. I think a text to ask me if text</p> <p>20 messaging counted, because I didn't know. But</p> <p>21 I wasn't sure, and then a phone call maybe.</p> <p>22 Q. And you don't -- it's fair to say you</p> <p>23 don't have that text message any more, right?</p> <p>24 A. No, no, but it was very basic.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. I think I said my lawyer was on it,</p> <p>2 doing the -- doing the -- doing what he does.</p> <p>3 Q. And do you recall when you provided</p> <p>4 him with your lawyer's information?</p> <p>5 A. The exact date? No. He had asked</p> <p>6 me -- yeah, I couldn't give you a date on</p> <p>7 it.</p> <p>8 Q. He asked you what? You said he had</p> <p>9 asked you?</p> <p>10 A. No. I was just saying what you just</p> <p>11 said. I'm not really sure when he had asked</p> <p>12 me for that information.</p> <p>13 Obviously, it was after that he -- he</p> <p>14 received that text, so...</p> <p>15 Q. Why do you say it was obviously after</p> <p>16 he received the text?</p> <p>17 A. Because that's when he was curious</p> <p>18 about text messaging.</p> <p>19 Q. Did he express curiosity regarding</p> <p>20 text messaging to you?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And when did you --</p> <p>23 A. Like I said, I don't have a date. I</p> <p>24 just -- this is obviously after -- the summer</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. And do you recall when he sent you</p> <p>2 that text regarding text messaging?</p> <p>3 A. No. It was just after, that he</p> <p>4 apparently received a text message himself.</p> <p>5 Q. So I guess -- I just want to clarify.</p> <p>6 What I'm talking about is the period</p> <p>7 between the time when you're at his house at</p> <p>8 the pool, right, and then the time when he</p> <p>9 received the text messages in early August.</p> <p>10 Were there any communications with you</p> <p>11 during that time frame regarding the TCPA?</p> <p>12 A. No, sir.</p> <p>13 Q. Okay. So the conversations you're</p> <p>14 talking about were after he received the</p> <p>15 initial text message from my client?</p> <p>16 A. Yes, it was a text message. I just</p> <p>17 don't -- I don't have it, but I remember the</p> <p>18 basis of it. It asked me, Do text messages</p> <p>19 count?</p> <p>20 And I'm like, Maybe, I'm not sure.</p> <p>21 So...</p> <p>22 Q. And did you -- did you find out if</p> <p>23 text messages count?</p> <p>24 A. I did.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. And how did you find that out?</p> <p>2 A. I had asked my lawyer.</p> <p>3 Q. And did you provide that information</p> <p>4 to Mr. Mantha?</p> <p>5 A. Yes, I did.</p> <p>6 Q. And what did you tell him?</p> <p>7 A. I told him, Yeah, they do count.</p> <p>8 Q. And did you tell him that via text, or</p> <p>9 was it over the phone?</p> <p>10 A. It was through text.</p> <p>11 Q. And do you know how many text messages</p> <p>12 you and Mr. Mantha exchanged during this sort</p> <p>13 of one issue?</p> <p>14 A. Like I said, I don't have it, but it's</p> <p>15 just basic and brief.</p> <p>16 Q. Now, you said there was also a phone</p> <p>17 call. Was that phone call that you had with</p> <p>18 Mr. Mantha after he received that text</p> <p>19 message?</p> <p>20 A. Yes, I believe so. No, I know so.</p> <p>21 Sorry.</p> <p>22 Q. And what was the phone call about?</p> <p>23 A. I couldn't even tell you.</p> <p>24 Q. How do you --</p>	<p style="text-align: right;">Page 36</p> <p>1 So I had checked with my lawyer, and</p> <p>2 he said, yes.</p> <p>3 So I texted him back. That was that</p> <p>4 brief text that I don't have.</p> <p>5 But I said, Yes, they do count. And</p> <p>6 if you want to pursue this, like, here's the</p> <p>7 information to the guy, the lawyer that I</p> <p>8 have, and, yeah, that was it. It was basic.</p> <p>9 Q. And the information you provided was</p> <p>10 to Mr. Washkowitz?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And do you recall how you exchanged</p> <p>13 Mr. Washkowitz's information to Mr. Mantha?</p> <p>14 A. I'm actually thinking about that right</p> <p>15 now.</p> <p>16 I don't know if it was through text or</p> <p>17 perhaps it was during that phone call, because</p> <p>18 I don't really remember the phone call. I</p> <p>19 just know that there was one after that first</p> <p>20 text that first, you know, going back and</p> <p>21 forth, but I just can't remember the</p> <p>22 specifics.</p> <p>23 Q. Now I understand that you can't recall</p> <p>24 as you sit here today whether he sent you a</p>
<p style="text-align: right;">Page 35</p> <p>1 A. I have -- I can't even recollect</p> <p>2 exactly what we talked about.</p> <p>3 Q. So you recall there was a phone call</p> <p>4 discussing the TCPA, but you don't recall what</p> <p>5 it was about?</p> <p>6 A. Say that again.</p> <p>7 Q. Sure. You recall that there was a</p> <p>8 phone call with you and Mr. Mantha regarding</p> <p>9 the TCPA, but you don't recall any of the</p> <p>10 substance?</p> <p>11 A. No, not really.</p> <p>12 Q. Did he screenshot the text messages to</p> <p>13 you that he received from QuoteWizard?</p> <p>14 A. I don't recall. It's possible. It's</p> <p>15 just -- it's been a while.</p> <p>16 Q. Was -- after he received the initial</p> <p>17 text from QuoteWizard, did you provide your</p> <p>18 counsel's information to him then at that</p> <p>19 point?</p> <p>20 A. After he received -- no, it was -- it</p> <p>21 was during -- it was when he had asked me the</p> <p>22 question, and then I had to find -- like, he</p> <p>23 had asked me if text messaging counts, and I</p> <p>24 was like, I think so, but I'm not sure.</p>	<p style="text-align: right;">Page 37</p> <p>1 snapshot of the QuoteWizard text messages.</p> <p>2 Do you have any memory of what those</p> <p>3 text messages said?</p> <p>4 A. No.</p> <p>5 Q. Did you try to assist Mr. Mantha in</p> <p>6 determining who was texting him?</p> <p>7 A. I -- yeah, I don't remember. I'm not</p> <p>8 really sure.</p> <p>9 Q. If Mr. Mantha testified that he</p> <p>10 believed that you did assist him in trying to</p> <p>11 find out who had texted him, would that shock</p> <p>12 you or --</p> <p>13 A. No, no, but I'm not really sure about</p> <p>14 investigation. I possibly -- if I did see the</p> <p>15 text, which I may have seen it, I may have,</p> <p>16 like, looked it up to see if -- where -- where</p> <p>17 that person was or if it was real.</p> <p>18 But other than that, no, I -- I don't</p> <p>19 have any investigative skills in that sense,</p> <p>20 so I wouldn't know.</p> <p>21 Q. So you don't recall finding out for</p> <p>22 him who texted him?</p> <p>23 A. No, I don't recall specifically,</p> <p>24 but -- yeah, I'm sorry, I don't remember.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. That's all right.</p> <p>2 Do you have access to any sort of</p> <p>3 databases for phone numbers, you know, to</p> <p>4 determine, you know, who sent a message from a</p> <p>5 certain phone number?</p> <p>6 A. No, sir.</p> <p>7 Q. So just to be clear, if I was going to</p> <p>8 look up a number, I would probably Google it,</p> <p>9 411 reverse look-up or something, try to find</p> <p>10 out who called.</p> <p>11 Do you have any other databases that</p> <p>12 you can access that would provide that level</p> <p>13 of information?</p> <p>14 A. No, sir. I don't have access to</p> <p>15 something like that.</p> <p>16 Q. So as you sit here today, you can't</p> <p>17 confirm whether it was you that determined</p> <p>18 that QuoteWizard was a real company for</p> <p>19 Mr. Mantha?</p> <p>20 A. Not with any certainty; no, sir.</p> <p>21 Q. But you wouldn't dispute the fact that</p> <p>22 if Joe testified that it was you that it, in</p> <p>23 fact, was you?</p> <p>24 A. You know, like I said, a Google search</p>	<p style="text-align: right;">Page 40</p> <p>1 they planned to take?</p> <p>2 A. No. I guess it was just implied at</p> <p>3 that point when we had a conversation after,</p> <p>4 like, Oh, okay, but not -- nothing we talked</p> <p>5 about, so...</p> <p>6 Q. What was implied?</p> <p>7 A. That he was going down the same road</p> <p>8 that I had previously done and -- yeah.</p> <p>9 Q. And that was the presuit demand?</p> <p>10 A. Yes. My presuit? Yes, yes.</p> <p>11 Q. So he was going to go down the same</p> <p>12 road of sending a presuit demand like you had</p> <p>13 done; is that right?</p> <p>14 A. I guess it was implied, but he didn't</p> <p>15 specifically say. There was no conversation</p> <p>16 where he was, like, All right, I'm going to do</p> <p>17 X, Y, and Z; my lawyer and I are going to do</p> <p>18 this.</p> <p>19 It was just, he was like, Hey, I think</p> <p>20 I've got something here.</p> <p>21 I'm like, Okay.</p> <p>22 Q. Did he say anything more about what he</p> <p>23 thinks he had?</p> <p>24 THE STENOGRAPHER: I'm sorry,</p>
<p style="text-align: right;">Page 39</p> <p>1 tops, but nothing like -- when you say</p> <p>2 "investigative," I think, like, really</p> <p>3 in-depth.</p> <p>4 No, I don't believe it was to that --</p> <p>5 to that extent. Maybe a Google search, but</p> <p>6 that's about it.</p> <p>7 Like I said, I don't remember.</p> <p>8 Q. Do you recall having any conversations</p> <p>9 with Mr. Mantha after it was learned that it</p> <p>10 was QuoteWizard that sent the text messages to</p> <p>11 him and what to do next?</p> <p>12 A. No, sir. After I gave him the</p> <p>13 information about my lawyer, I left it up to</p> <p>14 them to figure it out.</p> <p>15 Q. Did you have any conversations with</p> <p>16 him regarding, you know, what it was that he</p> <p>17 planned to do in light of the text messages</p> <p>18 sent by QuoteWizard?</p> <p>19 A. Plan to do?</p> <p>20 Q. Sure. So even after he retained</p> <p>21 Mr. Washkowitz to represent him with respect</p> <p>22 to the claim, did he inform you of what, you</p> <p>23 know, their plan was or anything that they</p> <p>24 planned to do against QuoteWizard? Any steps</p>	<p style="text-align: right;">Page 41</p> <p>1 was there an objection?</p> <p>2 MR. BRODERICK: Yes. Objection.</p> <p>3 BY MR. POLANSKY:</p> <p>4 Q. You said he thinks he got something</p> <p>5 here, right?</p> <p>6 A. Say that again, sir.</p> <p>7 Q. Sure. Your testimony was you said, I</p> <p>8 think I got something. "I" being Mr. Mantha;</p> <p>9 is that right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Did he inform you as to what the</p> <p>12 something was that he had?</p> <p>13 A. No, sir. Like I said, I just -- it</p> <p>14 was implied that -- the text message, I took</p> <p>15 from that conversation, vague conversation, I</p> <p>16 can't really remember specifics, but that</p> <p>17 he -- the text message was good and, like, him</p> <p>18 and his lawyer were going to do, you know, I</p> <p>19 forget the word, the pre-whatever, but it was</p> <p>20 not specifically said to me, you know, so...</p> <p>21 Q. Has Mr. Mantha kept you informed of</p> <p>22 sort of the status of his case from time to</p> <p>23 time?</p> <p>24 A. Nothing specific, just vagueness.</p>



<p style="text-align: right;">Page 42</p> <p>1 Just, yeah, it's coming along, it's still 2 going. Basically, sort of stuff like that. 3 Q. Has he ever discussed with you any 4 issues relating to consent? Consent to 5 receive text messages from QuoteWizard? 6 A. Doesn't -- no, that doesn't sound 7 familiar. 8 Q. Has he -- has he ever discussed any 9 issues with respect to fraudulent consent? 10 A. No, sir. 11 Q. He's never discussed anything relating 12 to fraudulent allegations in this litigation? 13 A. I -- things that I remember? No, 14 nothing like that. 15 He told me about his deposition and he 16 was, like, weirded out about it. He was 17 worried about his name being on a document. 18 But as far as that, there were no 19 specifics on that. 20 Q. When you say he told you about his 21 deposition, did he discuss it with you prior 22 to the deposition? 23 A. He had told me when his deposition was 24 going to be and he was weirded out about it.</p>	<p style="text-align: right;">Page 44</p> <p>1 him? 2 A. He could have called me. I think he 3 did call me. I don't know for certain. 4 Q. Did he discuss with you anything that 5 he expected to come up in the deposition? 6 A. No, no, nothing like that. He just 7 felt uncomfortable, yeah, so... 8 Q. And he felt uncomfortable because his 9 name was on the pleading? 10 A. He thought that was weird seeing that, 11 but I don't think that -- from what I could -- 12 from what I could understand, he wasn't 13 looking forward to the deposition, just like 14 I'm not today, probably. 15 Q. And when you say he felt 16 uncomfortable, what did he feel uncomfortable 17 about, if he said anything? 18 A. I really don't remember how he 19 described it or if there was any description 20 about it. 21 I just -- I kind of just felt that, 22 okay, yeah, this is all new and this is kind 23 of weird, like I feel right now. I think he's 24 feeling the same thing I'm feeling right now.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. And what was he weirded out by? 2 A. I don't know. He was -- this is all 3 new to him, I guess. He felt uncomfortable 4 with his name on the -- this. 5 (Witness indicating.) 6 So... 7 Q. His name on the case caption? 8 A. Yes, sir. 9 Q. I just couldn't see what you were 10 referring to, but I assume -- 11 A. No, no, it's okay. Yeah. 12 Q. Is it -- is what you're referring to, 13 is that the top of the pleading? Does it say 14 Joseph Mantha and other individuals? 15 A. Yes, sir, that's what I'm referring 16 to. 17 Q. Okay. Was that conversation by phone 18 or text message? 19 A. That was by phone. 20 Q. And about how long was that 21 conversation? 22 A. I couldn't put a time on it. A 23 couple -- a few minutes. 24 Q. And did he call you, or did you call</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Which is what? 2 A. Like, weird, like I'm in trouble, like 3 I'm in front of the principle like I did 4 something wrong. 5 Q. Well, I hope you don't look at me like 6 the principle. 7 A. Well, it's kind of like that. You 8 know, you seem like a good guy, but I'm 9 just -- this is all weird to me, so... 10 Q. I get it. 11 And you understand I'm using sort of 12 what you tell me to further explore, right? 13 So when you say he felt uncomfortable, 14 it's my job to sort of ask you what that 15 means. You know? 16 A. No, I understand. And I can't give 17 you, like, an answer for that because he never 18 gave any specifics. But I kind of feel what 19 he's feeling right now. I guess I can kind of 20 relate. I don't know if it's true or not. 21 But... 22 Q. Sure. Now, before you had the 23 conversation regarding his impending 24 deposition, approximately how many times have</p>

<p style="text-align: right;">Page 46</p> <p>1 you discussed this case with him over the</p> <p>2 course of it?</p> <p>3 A. Before today?</p> <p>4 Q. Before his deposition. So his</p> <p>5 deposition was back in July.</p> <p>6 A. Oh. Yeah, it -- we may have talked --</p> <p>7 yeah, I don't know. I can't put a number on</p> <p>8 it, but once or twice maybe. I'm not really</p> <p>9 sure.</p> <p>10 Q. And did he give you any sort of</p> <p>11 details on how it was going? What the status</p> <p>12 was?</p> <p>13 A. No. It was just delay, delay, and,</p> <p>14 yeah, no specifics though.</p> <p>15 Q. Did he say what was delayed?</p> <p>16 A. No, not specific. Like the process,</p> <p>17 and I just didn't really -- I didn't ask</p> <p>18 anything, like, to question that.</p> <p>19 I was, like, Oh, okay, must be a</p> <p>20 lawyer thing.</p> <p>21 Q. Did he discuss with you any</p> <p>22 discussions regarding settlement?</p> <p>23 A. No, sir, nothing like that.</p> <p>24 Q. Anything about monetary value?</p>	<p style="text-align: right;">Page 48</p> <p>1 important for me to retain, I guess. But it's</p> <p>2 possible, I just don't remember.</p> <p>3 Q. And it's fair to say that you've never</p> <p>4 gone on the SnappyAutoInsurance.com website</p> <p>5 for him in 2019; is that right?</p> <p>6 A. Not that I know of. No, sir. It</p> <p>7 doesn't sound familiar.</p> <p>8 Q. Has he ever forwarded you any case</p> <p>9 documents in this case?</p> <p>10 A. No, sir.</p> <p>11 Q. Now after he sent the presuit demand,</p> <p>12 did he advise you that he was going to file</p> <p>13 litigation involving the claim?</p> <p>14 A. I don't even remember a conversation</p> <p>15 where he sent the demand. It's not really</p> <p>16 those type of conversations.</p> <p>17 You just -- yeah, we're going with it.</p> <p>18 His verbiage is a lot different from yours.</p> <p>19 He was like, Yeah, my lawyer and I are</p> <p>20 going to explore it. We'll see what happens.</p> <p>21 But nothing specific about the case</p> <p>22 itself, yeah.</p> <p>23 Q. Now, you said you spoke to Mr. Mantha</p> <p>24 prior to the deposition. Right?</p>
<p style="text-align: right;">Page 47</p> <p>1 A. No, sir. No, no figure or anything</p> <p>2 like that, no.</p> <p>3 Q. Did he discuss with you any</p> <p>4 allegations that are -- strike that.</p> <p>5 Has he ever discussed with you any</p> <p>6 allegations that he entered his personal</p> <p>7 information into a website called</p> <p>8 SnappyAutoInsurance.com in 2019?</p> <p>9 A. Could you repeat that question,</p> <p>10 please.</p> <p>11 Q. Sure. Has he ever discussed with you</p> <p>12 allegations that he entered his personal</p> <p>13 information onto a website called</p> <p>14 SnappyAutoInsurance.com?</p> <p>15 A. No, I don't recall, no.</p> <p>16 Q. So he's never discussed anything</p> <p>17 related to that web suit or web suit --</p> <p>18 website relating to issues involving whether</p> <p>19 he provided consent to receive the text</p> <p>20 messages at issue?</p> <p>21 A. Not -- I don't specifically remember</p> <p>22 that. Could be, but I just -- I don't</p> <p>23 remember. It was a while ago, and it's not</p> <p>24 something I -- in all honesty, it's not really</p>	<p style="text-align: right;">Page 49</p> <p>1 A. Text message, yeah, that last text</p> <p>2 message.</p> <p>3 Q. Well, let's take a look at the text</p> <p>4 message, which is Exhibit 3.</p> <p>5 A. Yes, sir, I've got a copy of it. I'm</p> <p>6 looking at it right now.</p> <p>7 Q. So if you look at the text message,</p> <p>8 it's dated July 26; is that right?</p> <p>9 A. Yes, I see it.</p> <p>10 Q. And this is a message that you sent to</p> <p>11 him, right?</p> <p>12 A. Yes. Yes, sir.</p> <p>13 Q. So there was a conversation with him</p> <p>14 prior to sending this text message, because I</p> <p>15 think it's fair to say that you were already</p> <p>16 aware that there was going to be a deposition</p> <p>17 happening before you sent this text; is that</p> <p>18 right?</p> <p>19 A. Yes, sir, you're correct.</p> <p>20 Q. So that conversation is the one you</p> <p>21 just told me about, right?</p> <p>22 A. I don't know if that was the exact</p> <p>23 conversation, but -- no, I can't tell you if</p> <p>24 it was or wasn't. I don't remember.</p>



<p style="text-align: right;">Page 50</p> <p>1 Q. Does anything stick out to you</p> <p>2 regarding that conversation prior to you</p> <p>3 sending this text?</p> <p>4 A. Nothing that sticks out.</p> <p>5 Oh, this text?</p> <p>6 The only thing, he told me that maybe</p> <p>7 a week before, but -- I can't even be positive</p> <p>8 about the time -- but, yeah, I've got my</p> <p>9 deposition coming up. And I just remembered</p> <p>10 it was that day and I just sent him a text.</p> <p>11 Q. Now, in your text, you say, "Show no</p> <p>12 fear, Joseph. It ain't nothing."</p> <p>13 Now, you've never been involved in a</p> <p>14 deposition, right?</p> <p>15 A. No.</p> <p>16 Q. So what was the purpose of saying "It</p> <p>17 ain't nothing"?</p> <p>18 A. Telling him to relax, because like I</p> <p>19 said before, seeing his name kind of weirded</p> <p>20 him out, and he had already expressed that the</p> <p>21 deposition was kind of like making him</p> <p>22 uncomfortable, so...</p> <p>23 Q. So did he -- after the deposition was</p> <p>24 over, did he text you?</p>	<p style="text-align: right;">Page 52</p> <p>1 A. No, sir.</p> <p>2 Q. Did you read his deposition transcript</p> <p>3 before today?</p> <p>4 A. No. I don't have access -- no, no.</p> <p>5 Oh, this -- no. His deposition? No, no.</p> <p>6 Q. So as you sit here today, you don't</p> <p>7 have any memory that he informed you of what</p> <p>8 was discussed or what he testified to</p> <p>9 regarding his deposition?</p> <p>10 MR. BRODERICK: Objection.</p> <p>11 A. He has never discussed that, no. I</p> <p>12 haven't talked to him in a while, so no.</p> <p>13 BY MR. POLANSKY:</p> <p>14 Q. Do you recall speaking to Mr. Mantha</p> <p>15 on August 19, 2019?</p> <p>16 A. I don't. The date doesn't pop out.</p> <p>17 No, sir, I don't.</p> <p>18 Q. August 22nd?</p> <p>19 A. 19th? 22nd? I don't recall.</p> <p>20 Q. 29th?</p> <p>21 A. No, sir, I can't -- I can't recall</p> <p>22 those dates specifically as -- but that sounds</p> <p>23 like a lot.</p> <p>24 So we -- we don't usually talk. So,</p>
<p style="text-align: right;">Page 51</p> <p>1 A. No. No, sir.</p> <p>2 Q. Did he call you?</p> <p>3 A. No, sir.</p> <p>4 Q. He didn't -- he didn't give you a buzz</p> <p>5 and tell you how it went?</p> <p>6 MR. BRODERICK: Objection.</p> <p>7 A. No, sir.</p> <p>8 BY MR. POLANSKY:</p> <p>9 Q. And what about you? I mean, so you</p> <p>10 sent a text message, good luck tomorrow. Did</p> <p>11 you follow-up with him and say, Hey, how did</p> <p>12 things go yesterday or today?</p> <p>13 A. Yeah, I don't think so. I don't think</p> <p>14 so, no.</p> <p>15 Q. He didn't call you after and say, Hey,</p> <p>16 by the way, your name came up quite a bit at</p> <p>17 the deposition?</p> <p>18 A. No.</p> <p>19 Q. He didn't outline for you what he</p> <p>20 testified to regarding conversations he had</p> <p>21 with you?</p> <p>22 MR. BRODERICK: Objection.</p> <p>23 BY MR. POLANSKY:</p> <p>24 Q. You can answer.</p>	<p style="text-align: right;">Page 53</p> <p>1 like I said, we have busy lives now, but those</p> <p>2 dates don't pop out.</p> <p>3 Q. Right. And I guess that's why I'm</p> <p>4 asking that, because based on your earlier</p> <p>5 testimony, it doesn't sound like you talked</p> <p>6 all that often. But, you know, we got his</p> <p>7 call records and it shows that, you know, when</p> <p>8 and how long you spoke to him, and there's</p> <p>9 quite a few during that time frame.</p> <p>10 Do you recall what those conversations</p> <p>11 were relating to?</p> <p>12 A. No. And I'm actually surprised,</p> <p>13 because like I said, I don't talk to him a</p> <p>14 lot. So...</p> <p>15 Q. What about September 12th?</p> <p>16 A. No. I can't recall these dates.</p> <p>17 Q. Let me ask you a couple of other</p> <p>18 questions, whether you know any of these</p> <p>19 people or entities. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. Have you ever heard of QuoteWizard</p> <p>22 before today?</p> <p>23 A. No, I don't believe so.</p> <p>24 Q. When you were discussing the text</p>

<p style="text-align: right;">Page 54</p> <p>1 messages received by Mr. Mantha, you have no</p> <p>2 memory of telling him QuoteWizard was a real</p> <p>3 company?</p> <p>4 A. I don't recall the specific company.</p> <p>5 But like I said, I possibly could have Googled</p> <p>6 whatever that -- Wizard, whatever you just</p> <p>7 said. But I don't recall the specific, and I</p> <p>8 don't want to get it wrong, so...</p> <p>9 Q. Have you ever heard of the company</p> <p>10 Plural Marketing Solutions?</p> <p>11 A. Doesn't come to mind, no. No, sir.</p> <p>12 Q. And so it's fair to say you haven't</p> <p>13 discussed that company with Mr. Mantha?</p> <p>14 A. That would be correct. No, I don't</p> <p>15 know anything about that company.</p> <p>16 Q. And I apologize in advance. It's</p> <p>17 going to be the same line of questioning for</p> <p>18 all of these companies to see if --</p> <p>19 A. Sir, it's fine.</p> <p>20 Q. Have you ever heard of Rev Point</p> <p>21 Media?</p> <p>22 A. No, sir.</p> <p>23 Q. And fair to say you've never spoken to</p> <p>24 Mr. Mantha about Rev Point Media?</p>	<p style="text-align: right;">Page 56</p> <p>1 name sounds familiar, but I can't put a face</p> <p>2 to the name.</p> <p>3 Q. Is it possible you spoke to Mr. Mantha</p> <p>4 about a Justin Cohen?</p> <p>5 A. It doesn't jog a memory, no. No,</p> <p>6 sir.</p> <p>7 Q. What about Adam Brown?</p> <p>8 A. No, sir.</p> <p>9 Q. So all of these people I just listed,</p> <p>10 is it fair to say that you haven't spoken to</p> <p>11 Mr. Mantha regarding any of these individuals</p> <p>12 or entities?</p> <p>13 A. No, sir, you would be correct.</p> <p>14 MR. POLANSKY: Let's take a</p> <p>15 two-minute break. I might be done. Just give</p> <p>16 me a few minutes or so to go through my notes.</p> <p>17 Okay?</p> <p>18 THE WITNESS: Yes, sir.</p> <p>19 THE VIDEOGRAPHER: Off the</p> <p>20 record, 11:05 a.m.</p> <p>21</p> <p>22 (Recess taken from 11:05 a.m.</p> <p>23 to 11:11 a.m.)</p> <p>24</p>
<p style="text-align: right;">Page 55</p> <p>1 A. That's correct.</p> <p>2 Q. Have you ever heard of George Rios?</p> <p>3 A. No, sir.</p> <p>4 Q. Peter Petrof?</p> <p>5 A. No, sir.</p> <p>6 Q. Mario Carreiro?</p> <p>7 A. No, sir.</p> <p>8 Q. Nicholas Banks?</p> <p>9 A. No, sir.</p> <p>10 Q. Blue Flame Marketing?</p> <p>11 A. Going back to Nicholas Banks, is</p> <p>12 that -- it could possibly be his wife's</p> <p>13 brother. I just can't remember. Is that</p> <p>14 where we're going with this?</p> <p>15 Q. Well, that's who it is, yeah.</p> <p>16 A. So I've heard of the name, yeah.</p> <p>17 Yeah, I've heard of his name before.</p> <p>18 Q. Have you ever met him?</p> <p>19 A. I don't believe so, and if I did it</p> <p>20 was a long time ago.</p> <p>21 Q. Blue Flame Marketing?</p> <p>22 A. No, sir.</p> <p>23 Q. How about Justin Cohen?</p> <p>24 A. Justin Cohen? For some reason, that</p>	<p style="text-align: right;">Page 57</p> <p>1 THE VIDEOGRAPHER: We are back</p> <p>2 on the record at 11:11 a.m.</p> <p>3 BY MR. POLANSKY:</p> <p>4 Q. Mr. Novia, not too much more, probably</p> <p>5 five or so minutes.</p> <p>6 A. Yes, sir.</p> <p>7 Q. Have you ever heard of the website</p> <p>8 called SnappySurveys.com?</p> <p>9 A. Is that -- possibly. Is that</p> <p>10 something that you can get money for? As far</p> <p>11 as taking surveys and then they pay you?</p> <p>12 Q. It could be. I don't know.</p> <p>13 A. Okay. If that -- if that is, that's</p> <p>14 possible. I think I've signed up for</p> <p>15 something like that before.</p> <p>16 Q. Do you know whether Mr. Mantha has</p> <p>17 signed up for anything on SnappySurveys.com?</p> <p>18 A. I wouldn't know that, sir. I</p> <p>19 couldn't -- he never told me anything like</p> <p>20 that.</p> <p>21 Q. Has he ever discussed that website</p> <p>22 with you?</p> <p>23 A. No, sir. Like I said, I'm not even</p> <p>24 familiar with that website. But when you said</p>

<p style="text-align: right;">Page 58</p> <p>1 "surveys," I -- I remember something from a</p> <p>2 while back where I was just seeing how much</p> <p>3 you could make with surveys. So...</p> <p>4 Q. What about UnitedQuotes.com? Have you</p> <p>5 heard of that site?</p> <p>6 A. No, sir.</p> <p>7 Q. Did you ever discuss with Mr. Mantha</p> <p>8 his interest, if he had any, in obtaining</p> <p>9 automobile insurance quotes?</p> <p>10 A. No, sir. It doesn't come to mind.</p> <p>11 Q. When he received the text messages</p> <p>12 from QuoteWizard relating to auto insurance,</p> <p>13 did he say anything about the subject matter</p> <p>14 of the text, whether he had or hadn't</p> <p>15 requested any sort of auto insurance quotes?</p> <p>16 A. I don't recall. I don't recall.</p> <p>17 Q. Did he --</p> <p>18 A. I don't recall that.</p> <p>19 Q. Did he say anything regarding whether</p> <p>20 this is something he did or didn't sign up</p> <p>21 for?</p> <p>22 A. I can't recall. I'm sorry.</p> <p>23 Q. When he received the text messages</p> <p>24 from QuoteWizard, did he ask you how to</p>	<p style="text-align: right;">Page 60</p> <p>1 that?</p> <p>2 Q. Sure. Yes.</p> <p>3 So sometimes when you go on a website,</p> <p>4 right, it asks you before your signature to</p> <p>5 click a button, it says, you agree to receive,</p> <p>6 you know, promotional materials or whatever</p> <p>7 else.</p> <p>8 A. I know that box, yeah.</p> <p>9 Q. Have you ever -- did you ever discuss,</p> <p>10 you know, whether you received certain</p> <p>11 messages via either phone calls or text</p> <p>12 messages as a result of clicking that opt-in</p> <p>13 button?</p> <p>14 A. No. No, not specifically.</p> <p>15 Q. Did you -- did you ever give</p> <p>16 Mr. Mantha any advice on how to go about</p> <p>17 determining who was sending him the text</p> <p>18 messages?</p> <p>19 A. I was so new to it myself, I was just,</p> <p>20 like, basically you've just got to try to --</p> <p>21 my understanding of what it was, you have to</p> <p>22 find out who is actually trying to send you</p> <p>23 the stuff and, yeah, I mean, my -- like I</p> <p>24 said, my extent is a Google search. That's</p>
<p style="text-align: right;">Page 59</p> <p>1 respond to them?</p> <p>2 MR. BRODERICK: Objection.</p> <p>3 A. No. I think it was just an initial</p> <p>4 question, because I wasn't 100 percent sure</p> <p>5 that it was illegal because I had only done it</p> <p>6 over the phone, you know, through my</p> <p>7 experience.</p> <p>8 So -- but, no, not -- not that</p> <p>9 specific. I think -- I think it was just that</p> <p>10 dialogue where I texted back "yes" after I had</p> <p>11 talked to my lawyer, nothing specific.</p> <p>12 BY MR. POLANSKY:</p> <p>13 Q. Did you have any communications with</p> <p>14 Mr. Mantha regarding the fact that he did</p> <p>15 respond to the text messages to schedule a</p> <p>16 meeting with the entity texting him?</p> <p>17 A. It's possible. I just don't remember.</p> <p>18 I think it perhaps may have been through a</p> <p>19 text, but I just can't remember.</p> <p>20 Q. Did you ever have any discussions with</p> <p>21 Mr. Mantha about opting in to receive either</p> <p>22 text messages or calls via websites?</p> <p>23 A. Opting in? I don't 100 percent</p> <p>24 understand that question. Could you repeat</p>	<p style="text-align: right;">Page 61</p> <p>1 basically what -- what I would know and what I</p> <p>2 would do. So...</p> <p>3 Q. Is it fair to say that you've never</p> <p>4 had access to either his phone or computer?</p> <p>5 A. No, sir, I've never had access to his</p> <p>6 phone or computer.</p> <p>7 Q. And again, just to confirm, did you</p> <p>8 ever have any conversations with Mr. Mantha</p> <p>9 about whether he knew who QuoteWizard was and</p> <p>10 whether he signed up to receive any sort of</p> <p>11 text messages or calls with them?</p> <p>12 MR. BRODERICK: Objection.</p> <p>13 A. No, I don't recall. Like I said, I</p> <p>14 don't -- I mean, I would imagine now, just</p> <p>15 from talking, that it's QuoteWizard.</p> <p>16 But I don't recall QuoteWizard itself.</p> <p>17 So, no, these -- I have no recollection of</p> <p>18 these conversations, no.</p> <p>19 MR. POLANSKY: I think that's</p> <p>20 all I have.</p> <p>21 Thank you very much for your time.</p> <p>22 THE WITNESS: Yes, sir.</p> <p>23 MR. POLANSKY: Mr. Mantha, your</p> <p>24 counsel may have questions for you.</p>

<p style="text-align: right;">Page 62</p> <p>1 MR. BRODERICK: No, I don't have</p> <p>2 any questions, but thank you very much for</p> <p>3 your time.</p> <p>4 MR. POLANSKY: Thank you very</p> <p>5 much for your time.</p> <p>6 the WITNESS: Yes, sir.</p> <p>7 THE VIDEOGRAPHER: Off the</p> <p>8 record, 11:17 a.m.</p> <p>9 THE STENOGRAPHER: Before you</p> <p>10 hang up, will you be ordering a transcript?</p> <p>11 MR. BRODERICK: Yes, please.</p> <p>12 I'll take a transcript.</p> <p>13 MR. POLANSKY: I'll take a</p> <p>14 transcript as well.</p> <p>15 THE STENOGRAPHER: Thank you.</p> <p>16</p> <p>17 (Deposition concluded at 11:17 a.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 64</p> <p>1 Edward A. Broderick, Esq.</p> <p>2 ted@broderick-law.com</p> <p>3 September 15, 2020</p> <p>4 RE: Joseph Mantha v. Quotewizard.Com LLC</p> <p>5 9/1/2020, Steven Novia (#4237832)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 cs-ny@veritext.com.</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 63</p> <p>1 CERTIFICATION</p> <p>2 I, DARLENE M. COPPOLA, a Notary Public, do hereby</p> <p>3 certify that STEVEN NOVIA, after having satisfactorily</p> <p>4 identifying himself, appeared remotely on the 1st day</p> <p>5 of September, 2020, in Framingham, Massachusetts, and</p> <p>6 was by me duly sworn to testify to the truth and</p> <p>7 nothing but the truth as to his knowledge touching and</p> <p>8 concerning the matters in controversy in this cause;</p> <p>9 that he was thereupon examined upon his oath and said</p> <p>10 examination reduced to writing by me; and that the</p> <p>11 statement is a true record of the testimony given by</p> <p>12 the witness, to the best of my knowledge and ability.</p> <p>13 I further certify that I am not a relative or</p> <p>14 employee of counsel/attorney for any of the parties,</p> <p>15 nor a relative or employee of such parties, nor am I</p> <p>16 financially interested in the outcome of the action.</p> <p>17 WITNESS MY HAND THIS 15th day of September, 2020.</p> <p>18</p> <p>19</p> <p>20 <i>Darlene M. Coppola</i></p> <p>21 DARLENE M. COPPOLA My commission expires:</p> <p>22 NOTARY PUBLIC November 11, 2022</p> <p>23 REGISTERED MERIT REPORTER</p> <p>24 CERTIFIED REALTIME REPORTER</p>	<p style="text-align: right;">Page 65</p> <p>1 Joseph Mantha v. Quotewizard.Com LLC</p> <p>2 Steven Novia (#4237832)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE _____ LINE _____ CHANGE _____</p> <p>5 _____</p> <p>6 REASON _____</p> <p>7 PAGE _____ LINE _____ CHANGE _____</p> <p>8 _____</p> <p>9 REASON _____</p> <p>10 PAGE _____ LINE _____ CHANGE _____</p> <p>11 _____</p> <p>12 REASON _____</p> <p>13 PAGE _____ LINE _____ CHANGE _____</p> <p>14 _____</p> <p>15 REASON _____</p> <p>16 PAGE _____ LINE _____ CHANGE _____</p> <p>17 _____</p> <p>18 REASON _____</p> <p>19 PAGE _____ LINE _____ CHANGE _____</p> <p>20 _____</p> <p>21 REASON _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Steven Novia Date _____</p> <p>25</p>

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1 Joseph Mantha v. Quotewizard.Com LLC

2 Steven Novia (#4237832)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Steven Novia, do hereby declare that I

5 have read the foregoing transcript, I have made any

6 corrections, additions, or changes I deemed necessary as

7 noted above to be appended hereto, and that the same is

8 a true, correct and complete transcript of the testimony

9 given by me.

10

11 \_\_\_\_\_

12 Steven Novia Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

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19 NOTARY PUBLIC

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